

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1789 – HB 2199

February 13, 2018

SUMMARY OF ORIGINAL BILL: Authorizes general session courts to accept papers to be filed, signed, or verified by electronic means.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – Due to multiple unknown factors the extent and timing of any local government expenditures or revenue cannot reasonably be determined; however any local impact is considered permissive.

SUMMARY OF AMENDMENT (013007): Deletes all language after the enacting clause and rewrites the bill to authorize any general session court to allow papers to be filed, signed, or verified by electronic means that comply with technological standards promulgated by the Supreme Court.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Based on information provided by the Administrative Office of the Courts (AOC), there is not currently a statewide system established which would allow all general session courts to accept the electronic filing of such documents.
- Pursuant to Rule 5B of the Tennessee Rules of Civil Procedure, effective July 1, 2010, any court governed by these rules may, by local rule, allow papers to be filed, signed, or verified by electronic means that comply with technological standards promulgated by the Supreme Court.
- Any general session court which did not currently have the ability to accept electronic filings of documents, which elected to implement such a system as a direct result of this legislation, would incur a permissive increase in local government expenditures.
- Pursuant to Tenn. Code Ann. § 8-21-401(o), in any court where electronic filing has been authorized, clerks may assess a maximum transaction fee of \$5 per filing, \$50 per

case, or allow a person to pay for an annual subscription at a maximum of \$300 per person.

- The fiscal impact of this legislation is dependent upon multiple unknown factors, including but not limited to, the number of general session courts that will opt to accept electronic filing of documents, if such court will currently have access to a system which accepts electronic filing, the extent of any permissive expenditures required to establish a system that would receive electronic filings, and if the court will opt to charge a fee for electronic filing.
- Due to multiple unknown factors, a precise fiscal impact to local government expenditures and revenues cannot reasonably be determined; however any fiscal impact is considered permissive.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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